

SB0223S01 compared with SB0223

~~{Omitted text}~~ shows text that was in SB0223 but was omitted in SB0223S01

inserted text shows text that was not in SB0223 but was inserted into SB0223S01

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Public Education Bullying Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor:

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3 **LONG TITLE**

4 **General Description:**

5 This bill enacts definitions of bullying for the public education code.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ amends the definition of "bullying";
- 9 ▶ defines the terms "staff bullying" and "student bullying"; and
- 10 ▶ makes technical corrections.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

16 AMENDS:

17 **53E-1-102** , as last amended by Laws of Utah 2022, Chapter 214 , as last amended by Laws of Utah
2022, Chapter 214

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53E-3-516 , as last amended by Laws of Utah 2024, Chapters 20, 21 and 301 , as last amended by Laws of Utah 2024, Chapters 20, 21 and 301

19 **53G-8-801** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah
2024, Chapter 21

20 **53G-9-601** , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of Utah
2024, Chapter 21

21 **53G-9-606 , as last amended by Laws of Utah 2024, Chapter 21 , as last amended by Laws of
Utah 2024, Chapter 21**

22

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **53E-1-102** is amended to read:

25 **53E-1-102. Public education code definitions.**

Unless otherwise indicated, as used in this title, Title 53F, Public Education System --

25 Funding, and Title 53G, Public Education System -- Local Administration:

26 (1) "Bullying" means the same as that term is defined in Section 53G-9-601.

27 [(1)] (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that
authorizes the operation of a charter school.

29 [(2)] (3) "Charter school governing board" means the board that governs a charter school.

30 [(3)] (4) "District school" means a public school under the control of a local school board.

31 [(4)] (5) "Individualized education program" or "IEP" means a written statement for a student with
a disability that is developed, reviewed, and revised in accordance with the Individuals with
Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

34 [(5)] (6) "LEA governing board" means:

35 (a) for a school district, the local school board;

36 (b) for a charter school, the charter school governing board; or

37 (c) for the Utah Schools for the Deaf and the Blind, the state board.

38 [(6)] (7) "Local education agency" or "LEA" means:

39 (a) a school district;

40 (b) a charter school; or

41 (c) the Utah Schools for the Deaf and the Blind.

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[~~(7)~~] (8) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

44 [~~(8)~~] (9) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.

46 [~~(9)~~] (10) "Parent" means a parent or legal guardian.

47 [~~(10)~~] (11) "Public education code" means:

48 (a) this title;

49 (b) Title 53F, Public Education System -- Funding; and

50 (c) Title 53G, Public Education System -- Local Administration.

51 [~~(11)~~] (12) "Section 504 accommodation plan" means a plan developed in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet the student's educational needs and ensure equitable access to a free appropriate public education.

55 [~~(12)~~] (13) "School nurse" means a registered nurse:

56 (a) who holds:

57 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or

58 (ii) a multistate license as that term is defined in Section 58-31e-102; and

59 (b) whose primary role is the care of a defined group of students enrolled in the public school system.

61 [~~(13)~~] (14) "State board" means the State Board of Education.

62 [~~(14)~~] (15) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.

66 Section 2. Section 53E-3-516 is amended to read:

67 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking authority.**

69 (1) As used in this section:

70 (a) "Dangerous weapon" means a firearm or an object that in the manner of the object's use or intended use is capable of causing death or serious bodily injury to an individual.

73 (b)

(i) "Law enforcement action" means a significant law enforcement interaction with a minor.

75 (ii) "Law enforcement action" includes the following actions against a minor:

76 (A) a search and seizure;

77 (B) an arrest;

78 (C) the issuance of a citation;

79 (D) the filing of a delinquency petition, indictment, or criminal information;

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- 80 (E) a referral to the juvenile court; or
81 (F) use of force by a law enforcement officer.
- 82 (c) "Law enforcement agency" means the same as that term is defined in Section 77-7a-103.
84 (d) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
86 (e) "Minor" means the same as that term is defined in Section 80-1-102.
87 (f)
(i) "School disciplinary action" means an action by a public school to formally discipline a student of
that public school.
- 89 (ii) "School disciplinary action" includes a suspension or an expulsion.
- 90 (g) "School is in session" means the hours of a day during which a public school conducts instruction
for which student attendance is counted toward calculating average daily membership.
- 93 (h)
(i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event
or activity that is authorized by a specific public school, according to LEA governing board policy,
and satisfies at least one of the following conditions:
- 97 (A) the activity is managed or supervised by a school district, public school, or public school
employee;
- 99 (B) the activity uses the school district or public school facilities, equipment, or other school
resources; or
- 101 (C) the activity is supported or subsidized, more than inconsequentially, by public funds, including
the public school's activity funds or Minimum School Program dollars.
- 104 (ii) "School-sponsored activity" includes preparation for and involvement in a public performance,
contest, athletic competition, demonstration, display, or club activity.
- 106 (i) " School resource officer" means the same as that term is defined in Section 53G-8-701.
- 108 (2) The state board shall develop an annual report regarding the following incidents that occur on
school grounds while school is in session or during a school-sponsored activity:
- 110 (a) school disciplinary actions;
111 (b) minors found in possession of a dangerous weapon; and
112 (c) law enforcement actions.
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- (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with the state board and LEAs to provide and validate data and information necessary to complete the report described in Subsection (2), as requested by an LEA or the state board.
- 117 (4) The report described in Subsection (2) shall include the following information listed separately for each school in an LEA:
- 119 (a) the number of law enforcement actions, including the following information for each incident:
- 121 (i) the reason for the law enforcement action; and
- 122 (ii) the type of law enforcement action used;
- 123 (b) the number of school disciplinary actions, including the following information for each incident:
- 125 (i) the reason for the school disciplinary action;
- 126 (ii) the type of school disciplinary action;
- 127 (iii) the number of suspensions imposed;
- 128 (iv) the average length of suspensions;
- 129 (v) the number of days of instruction lost due to suspensions; and
- 130 (vi) the number of expulsions;
- 131 (c) the number of school resource officers employed;
- 132 (d) if applicable, the demographics of an individual student who is subject to, as the following are defined in Section 53G-9-601, student bullying, hazing, cyber-bullying, or retaliation; and
- 135 (e) the number of minors found in possession of a dangerous weapon on school grounds while school is in session or during a school-sponsored activity.
- 137 (5) The report described in Subsection (2) shall include the following information, in aggregate, for each element described in Subsections (4)(a) and (b):
- 139 (a) age;
- 140 (b) grade level;
- 141 (c) race;
- 142 (d) sex;
- 143 (e) disability status; and
- 144 (f) youth in care designation.
- 145 (6) Information included in the annual report described in Subsection (2) shall comply with:
- 146 (a) Chapter 9, Part 3, Student Data Protection;
- 147 (b) Chapter 9, Part 2, Student Privacy; and

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- 148 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
149 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall
make rules to compile the report described in Subsection (2).
151 (8)
(a) The state board shall provide the report described in Subsection (2):
152 (i) in accordance with Section 53E-1-203 for incidents that occurred during the previous school
year; and
154 (ii) to the State Commission on Criminal and Juvenile Justice before January 15 of each year for
incidents that occurred during the previous school year.
156 (b) After submitting the report in accordance with this section, the state board shall supplement the
report to the State Commission on Criminal and Juvenile Justice with updated data and information
within 30 days after the day on which the state board receives the updated data and information.

160 Section 3. Section **53G-8-801** is amended to read:

161 **53G-8-801. Definitions.**

As used in this section:

- 67 [~~(1) "Bullying" means the same as that term is defined in Section 53G-9-601.~~]
68 [~~(2)~~] (1) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
70 [~~(3)~~] (2) "School Safety Center" means the entity established in Section 53G-8-802.
71 [~~(4)~~] (3) "State security chief" means the same as that term is defined in Section 53-22-101.

168 Section 4. Section **53G-9-601** is amended to read:

169 **53G-9-601. Definitions.**

As used in this part:

- 75 (1)
(a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed
toward a school employee that, based on its severity, nature, and frequency of occurrence, a
reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted
distress.
79 (b) A single act does not constitute abusive conduct.
80 (2) "Action plan" means a process to address an incident as described in Section 53G-9-605.5.

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- (3) "Bullying" means ~~[a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:]~~ student bullying and staff bullying.
- 86 [(a) ~~causing physical or emotional harm to the school employee or student;~~]
87 [(b) ~~causing damage to the school employee's or student's property;~~]
88 [(c) ~~placing the school employee or student in reasonable fear of;~~]
89 [(i) ~~harm to the school employee's or student's physical or emotional well-being; or~~]
90 [(ii) ~~damage to the school employee's or student's property;~~]
91 [(d) ~~creating a hostile, threatening, humiliating, or abusive educational environment due to:~~]
93 [(i) ~~the pervasiveness, persistence, or severity of the actions; or~~]
94 [(ii) ~~a power differential between the bully and the target; or~~]
95 [(e) ~~substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.~~]
- 97 (4) "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- 99 (5) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- 104 (6)
- (a) "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
- 107 (i)
- (A) endangers the mental or physical health or safety of a school employee or student;
- 109 (B) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- 112 (C) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
- 115 (D) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
- 119 (ii)

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- (A) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or
- 122 (B) is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
- 127 (b) The conduct described in Subsection (6)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- 130 (7) "Incident" means an incident of bullying, cyber-bullying, hazing, or retaliation that is prohibited under this part.
- 132 (8) "LEA governing board" means a local school board or charter school governing board.
- 133 (9) "Policy" means an LEA governing board policy described in Section 53G-9-605.
- 134 (10) "Public education suicide prevention coordinator" means the public education suicide prevention coordinator described in Section 53G-9-702.
- 136 (11) "Retaliate" means an act or communication intended:
- 137 (a) as retribution against a person for reporting bullying or hazing; or
- 138 (b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- 140 (12) "School" means a public elementary or secondary school, including a charter school.
- 141 (13) "School employee" means an individual working in the individual's official capacity as:
- 142 (a) a school teacher;
- 143 (b) a school staff member;
- 144 (c) a school administrator; or
- 145 (d) an individual:
- 146 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district;
[and] or
- 148 (ii) who works on a school campus.
- 149 (14)

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- (a) "Staff bullying" means a school employee, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another school employee, or engaging in a single egregious act toward another employee involving an imbalance of power, that:
- 153 (i) creates an environment that a reasonable person would find hostile, threatening, or humiliating;
and
- 155 (ii) substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.
- 157 (b) "Staff bullying" does not mean instances of:
- 158 (i) ordinary teasing, horseplay, argument, or peer conflict;
- 159 (ii) reasonable correction of behavior by a school employee; or
- 160 (iii) reasonable coaching strategies and techniques by a school employee who is a coach.
- 162 (15)
- (a) "Student bullying" means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:
- 166 (i) creates an environment that a reasonable person would find hostile; and
- 167 (ii) interferes with a student's educational performance, opportunities, or benefits.
- 168 (b) "Student bullying" does not mean instances of:
- 169 (i) ordinary teasing, horseplay, argument, or peer conflict;
- 170 (ii) reasonable correction of behavior by a school employee; or
- 171 (iii) reasonable coaching strategies and techniques by a school employee who is a coach.
- 173 [(14)] (16) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 26B-5-611.
- 175 [(15)] (17) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.
- 273 **Section 5. Section 53G-9-606 is amended to read:**
- 274 **53G-9-606. Model policy and state board duties.**
- 275 (1) The state board shall:
- 276 (a) create a model policy on bullying, cyber-bullying, hazing, abusive conduct, and retaliation; and
- 278 (b) post the model policy described in Subsection (1)(a) on the state board's website.
- 279 (2) The state board shall require an LEA governing board to report annually to the state board on:

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- 281 (a) the LEA governing board's policy, including implementation of the signed statement requirement
described in Subsection 53G-9-605(3);
- 283 (b) the LEA governing board's training of school employees relating to bullying, cyber-bullying,
hazing, and retaliation described in Section 53G-9-607;
- 285 (c) the demographics of an individual student who is subject to student bullying, hazing, cyber-bullying,
or retaliation subject to:
- 287 (i) Title 53E, Chapter 9, Part 2, Student Privacy;
- 288 (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
- 289 (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
- 290 (iv) 34 C.F.R. Part 99; and
- 291 (d) other information related to this part, as determined by the state board.

292 **Section 6. Effective date.**

This bill takes effect on May 7, 2025.

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